

Draft order – not enacted – created for consultation purposes only.
If approved, this would replace the existing order which is currently in place

Anti-Social Behaviour, Crime and Policing Act 2014

DRAFT North Somerset District Council (Area Wide) Public Space Protection Order 20XX

1. This Order may be cited as the North Somerset District Council (Area Wide) Public Space Protection Order 20XX
2. This Order shall commence on the date it is made and cease to be of effect on the XXXXX

3. In this order except where the context requires otherwise the following expressions shall have the meanings hereby attributed to them:

Driver - shall in the case of a stationary vehicle include the person seated at the driver's controls and in the case of vehicle where there is no person seated at the driver's controls mean the person who was driving the vehicle at the time that it was left in the in the position in question.

Pedlar - a person who goes from place to place selling small items and shall have the same meaning as section 3 of the Pedlars Act 1871

Vehicle – shall mean a vehicle of any description and shall include a machine or implement of any kind either drawn or propelled whether or not by mechanical power

AMENDED SECTION Receptacle – shall mean a bag, appropriate for picking up and disposing of dog faeces.

3. This Order applies to the public spaces specified in Schedule 1 and imposes restrictions as set out in Schedules 2 and 3.

4. It is an offence for a person, without reasonable excuse:

(a) to do anything a person is prohibited from doing by schedule 2 of this order,
or

(b) to fail to comply with a requirement to which the person is subject by
schedules 2 of this order

5. A person guilty of an offence under condition (a) or (b) of article 4 of this order, is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £75.

6. It is an offence for a person, without reasonable excuse to fail to comply with a requirement imposed by schedule 3 of this order

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7. A person guilty of an offence under article 6 of this order is liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £75

Dated the day of 20

The Common Seal of **North Somerset District Council** was affixed in the presence of the Head of Legal and Democratic Services / Solicitor of the Council

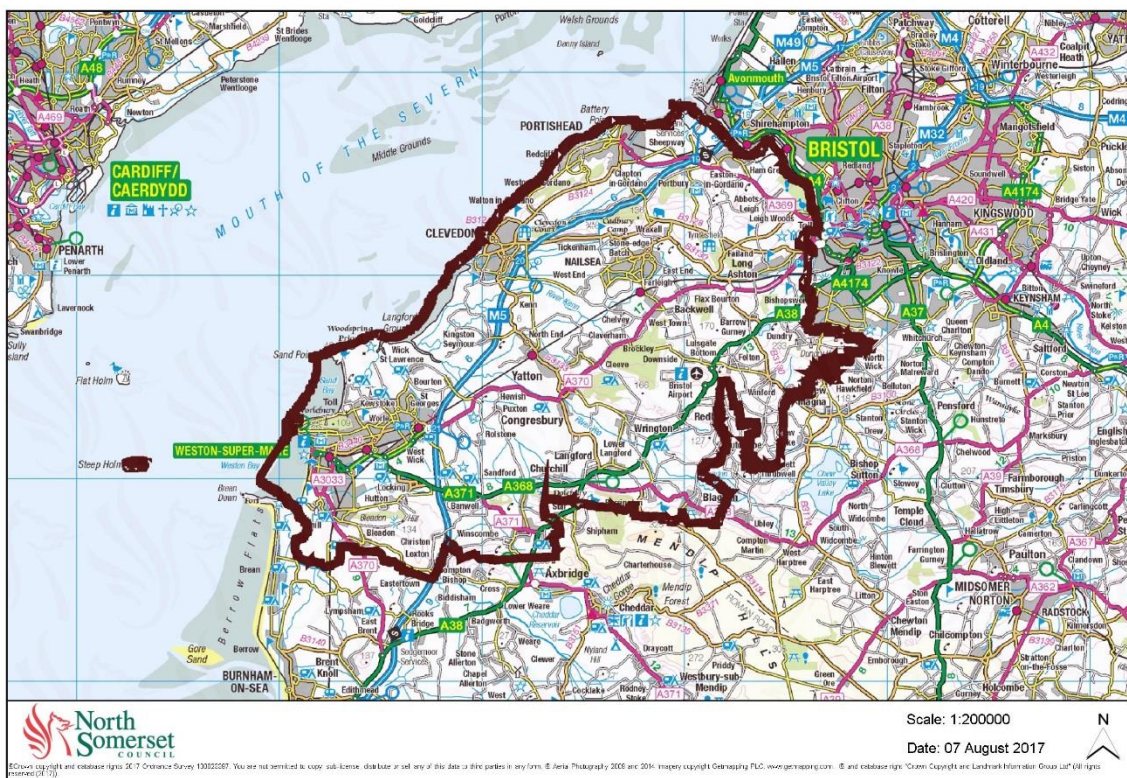
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Schedule 1

Public spaces within North Somerset District Council falling within the following categories

Any public space in the open air, including covered land which is open on at least one side and to which the public is entitled or permitted to have access (with or without payment) within the boundary of North Somerset, delineated for identification purposes only on the map below



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Schedule 2

Restrictions

- (1) No person in charge of a dog shall fail to remove dog faeces, unless
 - (i) the person is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948, or
 - (ii) the person has a disability which affects mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects.
- (2) No person in charge of a dog shall fail to produce a receptacle for picking up dog faeces when requested to do so by an authorised officer, unless
 - (i) the person is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948, or
 - (ii) the person has a disability which affects mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects.
- (3) No person in charge of a dog shall fail to put a dog on a lead when directed to do so by an authorised officer.
- (4) No person shall deposit litter
- (5) No person shall urinate or defecate
- (6) No person shall trade goods on public property, unless
 - i) the person has a valid pedlars licence and is abiding by the pedlars code of conduct as set out in Schedule 4, or
 - ii) the person has valid street trading consent / license
- (7) No person shall fail to stop consuming or inhaling anything in their possession which an authorised officer reasonably believes to be a psychoactive substance, as defined by section 2 of the Psychoactive Substances Act 2016, when required to do so.
- (8) No person shall fail to surrender anything in their possession, which an authorised officer reasonably believes to be a psychoactive substance as defined by section 2 of the Psychoactive Substances Act 2016, and associated paraphernalia, when required to do so.
- (9) No person shall fail to stop playing music or instruments when requested to do so by an Authorised Officer
- (10) **AMENDED SECTION** No person shall approach people for money or goods, or be stationary and directly asking for money or goods, or be positioned on the floor to invite the offer of money or goods within 10 metres of a cash or payment machine or

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in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed

(11) Person(s) (by definition includes the driver or registered keeper of the vehicle if the driver cannot be identified who at the time of the offence was in control of the vehicle or in a position to control its use within the area) are prohibited from:

- (a) Revving of engine(s) as to cause a public nuisance
- (b) Use or drive a vehicle in a manner likely to cause alarm, harassment, distress or public nuisance
- (c) Congregate or loiter as part of a group around (or in) one or more stationary vehicles at any time where such activity causes or is likely to cause noise, harassment, alarm or distress (except pre-authorised events with the relevant agency);
- (d) Performing stunts (including but not limited to performing a doughnuts manoeuvre drifting, skidding, handbrake turns, wheel spinning);
- (e) Use their vehicle to cause unreasonable levels of noise including sounding horns (as to cause a nuisance), the noise from engines and exhausts and the playing of music from car stereos; and
- (f) Causing obstruction on a public highway or publicly accessible place (whether moving or stationary)
- (g) Parking or driving on parks, open space, public realm or highway verge is prohibited unless prior consent has been received in writing from the authority

(12) **AMENDED SECTION** If a Police Constable or Authorised Person reasonably believes that a person has acted, or likely to act, contrary to the restrictions placed upon them by this Order, they must provide their name and address when required to do so.

Schedule 3

(1) No person shall fail to stop consuming alcohol when required to do so by an authorised officer, unless

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- (i) the person is consuming alcohol within the boundary of
 - (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) a place within the curtilage of premises within paragraph (a) or (b);
 - (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
 - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- (ii) the person is consuming alcohol within the boundary of
 - (a) council-operated licensed premises—when the premises are being used for the supply of alcohol, or
 - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

(2) No person shall fail to surrender anything in their possession (sealed or unsealed) which the authorised officer reasonably believes to be alcohol or a container for alcohol when required to do so.

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Schedule 4

Pedlars Code of Conduct

(1) Whilst peddling, you must

- (a) move around and not wait for customers to come to you.
- (b) carry your goods, which must be small goods or use a small wheeled trolley to transport them.
- (c) remain courteous at all times
- (d) be mindful of local residences and business and keep noise to a minimum. No loud or intrusive music should be played.

(2) Whilst peddling, you must not

- (a) remain in the same place, unless serving a customer, and should relocate at least every 20 minutes. If you remain in the same place for more than 20 minutes, you will be illegally street trading.
- (b) trade from a fixed pitch or set up a portable stall
- (c) wait for customers to approach you as this is illegally street trading and not peddling.
- (d) verbally or physically harass or abuse members of the public
- (e) obstruct the highway, footway, thoroughfare or business or residential entrances.
- (f) sell goods that are obscene, offensive or insulting to any ethnic or social minority.
- (g) sell counterfeit goods.
- (h) sell alcohol or cigarettes unless the relevant licences are in place.